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master had notice thereof, or ought to have had. *Garden City Wire Spring Co. v. Boecker*, 94 Ill. App., 96; *Wiggins Ferry Co. v. Hill*, 112 Ill. App., 475. For the presumption is that the master has discharged his duty in providing for the employee suitable appliances for work, and the employee has the burden of proving not only negligence on the employer's part, but also due care on his own part. *Glasscock v. Swofford Bros. Dry Goods Co.*, 80 S. W., 364; *Johnson v. Chesapeake, etc., Ry. Co.*, 36 W. Va., 73. The same opinion is held in a long line of cases, including *Shamberger v. Somerset Chemical Co.*, 69 N. J. L., 234; *Brownfield v. Chicago, etc., Ry. Co.*, 107 Iowa, 254; *Dumphy v. St. Joseph Stockyard Co.*, 118 Mo. App., 506; *Byrd v. Blumenthal*, 3 Pennewill (Del.), 564.

NAVIGABLE WATERS—ACCESS TO WHARF—INTERFERENCE.—NORTHERN PAC. RY. CO. v. S. E. SLADE LUMBER CO., 112 PAC., 240 (WASH.).—*Held*, where the upland owner's wharf, built to the edge of deep water on tide lands, was purchased from the state, that his right to have vessels load at the wharf could not be enjoined without compensation by a railroad, whose adjoining drawbridge could not be operated while a vessel was lying at the wharf, though authorized by both state and national sanction. Rudkin, C. J., and Gose, J., *dissenting*.

The state, representing the public, is the absolute owner of the tide lands of navigable waters, subject only to the right of Congress to regulate interstate and foreign commerce. *Weber v. State Harbor Commrs.*, 85 U. S., 57; *People v. New York and S. I. Ferry Co.*, 68 N. Y., 71; *Providence v. Comstock*, 27 R. I., 537. But the upland owner has rights of navigation and also a right to wharf out to navigable waters as against all except the state and Congress. *Mobile Transp. Co. v. Mobile*, 153 Ala., 409; *Gregory v. Forbes*, 96 N. C., 77. The state, however, may without compensation to the upland owner regulate, limit, or even destroy, these rights, directly or by a franchise given to another, provided the public at large are benefited thereby, the loss or obstruction to the owner being *damnum absque injuria*. *Frost v. Washington County R. Co.*, 96 Me., 76; *Scranton v. Wheeler*, 179 U. S., 141. The owner, therefore, cannot be freed from an obstruction thus authorized by state or national authorities, except by a grant of the tide lands giving him exclusive rights. *People v. Kerber*, 152 Cal., 731; *Gough v. Bell*, 21 N. J. L., 156; *Illinois C. R. Co. v. Illinois*, 146 U. S., 387. Some decisions hold that any such grant by the state impliedly reserves, in addition to limitations imposed by national and state constitutions and statutes, the public rights as to navigable waters, the rights of the public not being affected by the change of title. *State v. Gerbing*, 56 Fla., 603; *State v. Cox*, 144 N. Y., 396. Such grants will be construed strictly against the grantee. *Home for Aged Women v. Commonwealth*, 89 N. E., 124 (Mass.). Other decisions hold that the grantee will obtain absolute and exclusive rights of ownership, and no interference without compensation with his right of access will be permitted. *Jones v. Oemler*, 110 Ga., 202; *Langdon v. New York*, 93 N. Y., 129.

PROCESS—PUBLICATION—AFFIDAVIT.—FELSINGER v. QUINN, 113 PAC., 275 (WASH.).—*Held*, that an affidavit for publication must comply strictly